

Volume 4, 2007



# COMMUNITY DEVELOPMENT

theory and practices in central and eastern europe

**4**  
**conflict  
resolution**

Conflicts in communities are inevitable. They may have destructive effect and even lead to violence if they are neglected or they may become a source of positive social change if managed correctly. This issue of Community Development Journal brings the theory on community conflicts, experience with addressing such conflicts from the Netherlands and Germany as well case studies from the Czech and Slovak Republics.

In her introductory article Dynamics of Escalation of Unmanaged Community Conflict, Karolína Miková provides main characteristics of community disputes, describes escalation phases of unmanaged conflict, and concludes with some ideas for dealing with community disputes.

In Community Mediation, Dušan Ondrušek provides an overview of frameworks from which to approach community conflict as well as a number of approaches available to third-party interveners to use in conflict intervention and community development efforts including community conferencing, community boards, conciliation councils, peace committees, deliberation programs, community convention, citizen jury, or study circles.

Marijke Haffmans and Stijn Hogenhuis explore in Neighbourhood Mediation in the Netherlands the specific kind of mediation used successfully in neighborhoods. It is based on the premise that ownership of the conflict should remain as long as possible with the parties directly involved in the conflict, even if outside help and support may be beneficial at times.

Outi Arajärvi explores in her viewpoint Migrants as Cultural Interpreters in Göttingen, Germany how the potential of migrants might be tapped for a better integration of migrant children in German schools and what are some of the promises and challenges of such approach for the future.

The case study Solving Roma Housing Issues in Prešov, Slovakia by Andrea Chorváthová and Pavol Makyš shows a successful case of intervention to bring together key stakeholders to resolve the problem of rent and utilities non-payment before it does damage to the entire community.

The case study from the Czech Republic School Conflict in the Prague District Black Bridge by Táňa Šišková shows how trained facilitators helped calm a tense situation in a combined primary-and-secondary school. The conflict they helped resolve impacted hundreds of families with school-age children.

Kerstin Bunte and Shérif W. Korodowou introduce the concept of Thérapie Sociale, define it, and explain its basic principles. They also bring a description of how the method was first applied in a project in Germersheim, Germany.

Peter Gušťařík



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# Dynamics of Escalation of Unmanaged Community Conflict

Karolína Miková

This article discusses community conflicts; provides main characteristics of community disputes, describes escalation phases of unmanaged conflict, and concludes with some ideas for dealing with community disputes.

The author is trainer and consultant for Partners for Democratic Change Slovakia (PDCS). She studied urban planning at the Faculty of Architecture of the Slovak Technical University in Bratislava. From 1998 to 1999, she completed a one-year study visit to the Institute for Policy Studies at the Johns Hopkins University in Baltimore, USA, dedicating her postgraduate studies to community development and citizen participation. She has been working for Partners for Democratic Change Slovakia since 1994, and is currently employed as a vice-director, trainer, consultant, and facilitator. She focuses on facilitating of citizen participation processes, dealing with community conflicts, and strategic planning. In addition to her domestic experience, she has also completed a number of training courses abroad in 23 different countries.

Community conflict may arise from disagreement between public officials and citizens or from different interests of community stakeholders. If differences stay unmanaged, the original issue might evolve into a controversy and long-term tension between citizens and their local self-government or between developer and the neighbours. Officials as well as citizens tend to view disagreements on public issues and different priorities for community development as undesirable for smooth management of public affairs and as a complication to be avoided. Seldom do they recognize different priorities as an integral part of democratic process whereby differences provide potential for developing new solutions.

**The conflict and its expression may have many positive consequences. In a democratic society conflict is the basis for social change. By increasing public awareness of issues it can mobilize constituencies and foster leadership (Bellman in Dukes, 1996).**

Without conflict there is no acceptance of any need to seek multilateral solution (Cormick in Dukes, 1996). Creative solutions to problems come only through the acknowledgment of differences and through learning to work through these differences (Bingham and Laue in Dukes, 1996).

To demonstrate a variety of situations with community conflicts, let us use a few examples.

A. After the Local Construction Authority gives a construction permit for a new eighteen-storey administration building in one of the few green spots in the city centre, residents from the neighbourhood start to protest against construction plans and call for a discussion to develop a regulation for new developments in the city centre.

B. Association of Youth Organizations criticizes the local government for unclear process of providing financial support (via grants and subsidies) to youth activities. They request that a *Strategy for Providing Support to Youth Activities* be developed for the next five years with defined priorities and a designated transparent decision-making process. They want their representatives to participate in preparing the strategy.

C. Because of new demographic trends, the Education Committee proposes to the local government to merge two primary schools in the town. As teachers and parents learn about the merge plan, they start to protest and bring out arguments about increased difficulties with children transport, loss of jobs for teachers, and loss of connection with the neighbourhood - if the plan is implemented. The local government considers future steps to satisfy all groups - teachers, parents, and students, and to save money required from the local budget.

D. In a village with mixed population of Roma and non-Roma, Roma kids played football and broke a window of the local grocery store. The owner of the store calls the police and asks them to punish kids for causing damage to his property. He describes to the police officer situations from last year, in which - he believes - the same kids stole groceries from his shop and regularly trespassed through his property without his permission. Soon kids' mothers are coming and start to complain to the officer that the owner threatens their kids with a German shepherd dog and they point to the arm of one of the kids who was bitten by the dog.

E. A rural micro-region consisting of seven villages decides to develop its Plan of Socio-Economic Development. Mayors of the villages decide to start with a survey of citizens' and stakeholders' priorities for future development. After collecting responses they realise that opinions of citizens and institutions in the villages are diverse and conflicting. Approximately 30 % of responses prefer industrialisation of the micro-region: introducing benefits of urban life to the region, building a business park, and - as a high priority - building a new highway to connect the villages with the capital city. Another approximately 30% of respondents prefer development sensitive to local environment, based on utilising of natural and historical resources, and strengthening local production of ecological food products. The last approximately 30% of residents see further development of the micro-region in promoting tourist attractions of the region, building related services, and creating employment possibilities e.g. construction of water entertainment park, fancy restaurants, hotels and pensions etc.

These examples provide a broad variety of possible areas of community conflict. Each of them demands a different approach to work through the conflict to reach a constructive solution. Yet, for all of them it is true that the conflict might escalate into an unpleasant controversy with harmful consequences if it is ignored. All provided examples of community conflicts share some basic characteristics of a public community conflict.

## Characteristics of community conflicts

The definition provided by Szanton and Associates (in Dukes, 1996) describes public conflict as any dispute involving government or public interest organization or civic or neighbourhood group as a substantial party, or bearing on the interest of a community as a whole. The focus of this article is on community level of public conflicts; presented characteristics are fitting for a conflict at the level of city, town, micro-region, village, or neighbourhood.

- Community conflicts are controversies, which affect more community members beyond primary players directly involved in original problem. E.g. merging of two primary schools in the community – primary players are school directors and local government officials deciding about merging but impacted by the decision are all teachers, students with their parents etc. It is often difficult to identify all involved parties at the beginning. New stakeholders from interest groups as well as from different levels of authority structures might arise as the process develops.
- Parties involved in a community conflict differ in power in relation to enforcement of preferred solution to an issue. Local government possesses structural statutory power, while investors have financial power crucial for implementation of any development strategy, and expert institutions e.g. conservation office, have expert power - in some cases combined with the power to issue permits. Individual citizens have very little power, but if they organise a petition or a public meeting and form groups of affected residents, they might become a legal part of the decision-making process. A group of local residents - because they are a local-government constituency from which local government draws its legitimacy - should have at least some voice in local decisions. This might seem as theory, yet in practice the protesting citizens, who succeed in attracting attention of the media, have the power and ability to obstruct almost any decision.
- Parties involved in a community conflict differ in competence and access to expertise. Not all involved parties are able to get support from a specialist in technical or legal aspects of the issue. A proposed alternative, unsupported by expert arguments, may lead to dismissing citizens' requests, as being amateurish.
- Community conflicts are often connected with some public decision-making, e.g. proposal and later permit for development of some property, creation and implementation of a regulation, development and approval of a socio-economic strategy, etc.
- Typically, there are no standardized procedures to deal with community conflicts. In EU countries, there exists the Environmental Impact Assessment legislation and procedures, which in development and construction issues provides for possibility to prevent community conflict through participatory procedures of assessment of different development alternatives. But even with EIA procedures there are many cases in which the very formal process reaches only limited portion of the public, and fails to develop credible alternatives for the public. In addition, in western countries, there have been various participatory procedures elaborated for prevention and resolution of community conflict. Some of them are described in this Journal, but none of them is formalised as a standard mechanism for conflict resolution.

**SPIRAL ON UNMANAGED CONFLICT ©**

<ul style="list-style-type: none"> <li>Legislation</li> <li>Litigation</li> <li>Nonviolent direct action</li> <li>Willingness to bear higher costs</li> <li>Appeals to elect representatives and agency officials</li> <li>Takeover by militant leaders</li> <li>Formation of coalitions</li> <li>Task groups to study issues</li> <li>Publicity in newspapers</li> <li>Emergency of leadership</li> <li>Issues put on agenda of other meetings</li> <li>Informal citizens meetings</li> <li>Letters</li> <li>Telephone calls</li> </ul>	<p>Law enforcement measures</p> <ul style="list-style-type: none"> <li>Litigation</li> <li>Reallocation of resources to bloc adversaries</li> <li>Willingness to bear higher costs</li> <li>Appeals to elected representatives and agency officials</li> <li>Emergence of hardliners</li> <li>Entry higher-level managers in decision</li> <li>Building support in power structure</li> <li>Media campaign in trade and other papers</li> <li>Single press release</li> <li>Counterletter</li> <li>No response</li> </ul>		<ul style="list-style-type: none"> <li>Sanctions become issues</li> <li>New ideas are stalemated</li> <li>Unrealistic goals are advocated</li> <li>Threats become issues</li> <li>Issues shift from specific to multiple</li> <li>Issues become polarized</li> <li>Issues and positions are sharpened</li> <li>Individuals take sides on an issue</li> <li>People become aware of specific issues</li> </ul>	<ul style="list-style-type: none"> <li>Motivation based on revenge</li> <li>Momentum of conflict beyond individuals control</li> <li>Process as source of frustration</li> <li>Sense of urgency</li> <li>Militant hostility</li> <li>Inability to perceive neutrals</li> <li>Power explicitly exercise</li> <li>Stereotyping</li> <li>Rumors and exaggerations</li> <li>Hardening of positions</li> <li>Intensification of feelings</li> <li>Expression of feelings</li> <li>Increased anxiety</li> </ul>
<ul style="list-style-type: none"> <li>Citizens Groups Activities</li> </ul>	<p>Government of Industry Activities</p>	<p>Evolution of the Issues</p>	<p>Psychological Effect on the Parties</p>	

© Carpenter, S.L.-Kennedy, W.J.D.: Managing Public Conflicts, A Practical Guide to handling Conflict and Reaching Agreements, Jossey-Bass Inc. Publishers, 1988

## Escalation of unmanaged conflict in community

Evolution of an unmanaged public conflict, as it often happens in our communities, can be illustrated by the following example. One party recognizes existence of a problem in the community e.g. a group of parents discovers that the public kindergarten in their neighbourhood is going to be replaced by public housing. Another party or parties, which have some power to influence solution of a problem refuses to recognize that the problem exists e.g. local self-government, which has decision-making authority in this issue, refuses discussion with parents about alternative solutions for developing the area. In turn the first party starts to escalate its activities to gain recognition of the issue and its concerns e.g. parents start to mobilise their neighbours to support their claim. The common response of local government is to defend its own position by questioning legitimacy and competency of the citizen group. Officials start to label parents' demands as lobbying efforts for their self-interest or as uninformed advocacy for a false issue. Soon all involved parties invest more time and resources to strengthening their positions in order to win the fight then to looking for a reasonable solution.

Susan Carpenter's Spiral of Unmanaged Conflict represents a typical dynamic of community conflict when it is not constructively settled in early stages of its development.

**The problem in community emerges.** As described in the example above, at the beginning of a conflict may lie public institution's development ambitions combined with legitimate interest of citizens to get more information about planned changes, a project or development initiatives in their community. Almost all changes in public sphere involve some impact on specific groups in the community. Social housing building plans will probably be welcomed by people in need; at the same time those who had used the facility before will be very reluctant to accept the change. Lack of information and denial of communication usually trigger a community conflict also for issues where benefits for the whole community substantially exceed costs. The difference between a managed or a constructively handled conflict situation and a destructive conflict is not in the issue itself but rather in the way the conflict is handled by people and institutions holding power within the decision-making process.

**Sides of a conflict are formed.** After communication is denied, initiating party needs to formulate its request supported by arguments and to collect supporters to strengthen its position before the next attempt to influence decision. After a few signals of such activity of citizens, similar move happens on the other side of the conflict. Both sides are looking for experts and formal and informal leaders to provide opinions to support their concerns. Positions are supported by letters addressed to officials in which each party requests action on their behalf. Joint meetings, if they happen, resemble more debating exercises or verbal fights than discussions searching for a common solution. Meetings are not organized to listen to the others' opinions, just to present one's own strong view on the issue.

**Sides to the conflict harden their positions.** Parties to the conflict feel frustrated about the prolonged debate without any possibility for an acceptable result. One of the parties might still feel disregarded and rejected by the more powerful side. Parties continue to mobilise supporters from diverse institutions and community residents. For the benefit of reaching broader supporter's base and local media visibility, parties begin to formulate the issue in more controversial terms than it was perceived originally. Both parties develop strategies and tactics to win the issue. Both sides hold meetings with their supporters' groups to publicly declare their claims, which often portray the situation in black and white colours. Presentation of the problem in local media

divides community residents to groups opposing one another.

**Communication between sides stops.** After some time parties start to meet, communicate with and assure their supporters that their cause is good more frequently than they meet the other side which they now perceive as an adversary. They become rigid in the ideas about possible solutions to the problem. The situation becomes visibly polarized – both sides take more extreme positions than at the beginning and bridging of their interests becomes very difficult. On the side of the public institution, a high-level official becomes involved and declares the position of the institution. The situation becomes worse after each direct exchange of opinions; misunderstandings and hate between sides rises. Direct communication between involved parties first becomes rare and then stops completely. Groups representatives refuse to meet in person; they use official letters and media to communicate statements.

**Both sides commit resources to the fight.** After some time supporters of each side develop into more organized groups with radicals taking the lead. They choose to organize campaigns, to show strength of the masses supporting their position in already advanced conflict. Leaders secure resources for public meetings, media coverage, public petitions and they start to consider judiciary proceeding to win the case by legal means. Leaders hire attorneys to prepare for taking the case to court. Supporters of each side are also ready to invest time and resources to fighting against the opposite camp. Another type of conflict escalation may happen when militant leaders take over the issue and begin to intensify first verbal and later physical violence. The path of violence typically leads to destruction which affects both sides and the community as a whole.

**Conflict goes outside of the community.** At this stage, parties involved in the conflict actively involve powerful figures from outside of the community - national experts, lawyers, representatives of national organizations, officials from regional or national government - to publicly support their coalition. The issue, because of controversy it creates, becomes attractive to national media. More people learn about the conflict and about the positions of fighting sides, possibly making the issues worthy of attention for national-level politicians. Politicians include the issue on the agenda of other meetings and public appearances. Because of the missing connection to the community, the proposed solutions are rather technical and show a lack of understanding of situation specifics.

**Perceptions become distorted.** Relationships between parties in the community grow to be openly hostile. People lose the ability to see the other side of the problem or to negotiate a possible solution. They see their own approach and solution as the only correct one. The adversary is completely wrong and uses unfair means for dishonest ends. The only chance to get to the solution they see is through court action and ruling.

**Sense of crisis emerges.** The initiating organization or institution realises that its plans are seriously threatened by the citizen group. There are already delays in relation to the original plans, financial losses due to postponement of decisions, and there is the risk of losing the entire case. In some instances the problem stays in deadlock for months or even years. People in the community have lost their fundamental trust in local decision-making authority and processes, and in the possibility to influence decisions in a non-confrontational way. They have learned that if they want to have influence, they have to fight hard. Animosity and personal revenge can become a new difficulty in community affairs.

The assumed end to the conflict is a decision by the court or a higher government authority which has competence to decide the issue. But as mentioned above, many cases remain unresolved for a long time and all involved parties suffer. The situation is even worse if sides start to use violence and destruction. Reconciliation in a community struck by destruction takes a long time which involves rebuilding of trust and of co-operation.

The main lesson to learn from the spiral of unmanaged conflict is that

**if conflict is not identified and managed properly, it can grow to such an extent which easily overwhelms involved parties and the community.**

In the articles which follow in this Journal, you can get inspiration about diverse approaches to conflict transformation in the early stages of its development.

## Key principles of dealing with community conflict

We conclude this article by proposing some principles for dealing with community conflict. From the spiral of conflict escalation it is clear that denying differences or fighting with opponents does not work, especially in a democratic society with active and well-informed citizens and organized groups. The best approach is to start with preventive steps to avoid escalation **by proactively informing community and involving stakeholders** affected by the proposed changes in the community. **Identification of individuals and institutions who will be impacted by the decision** and who should be specially informed, is a demanding task, but even more challenging is designing the process which follows. To prepare the design of and lead the conflict resolution process, it is recommended to **use the help of a facilitator or a mediator**. In this Journal you can read about diverse approaches which should be selected in relation to the context and the phase of escalation of the community conflict. Most appropriate for early stages of a conflict are **participatory discussion processes e.g. deliberation programs** (see the *Community Mediation* article by Dušan Ondrušek) which, for illustration, fit the situation E presented at the beginning of this article. The various types of participatory discussions include processes of **assisted negotiation, collaborative problem solving or consensus building processes** which bring to one table all stakeholders to decide about a common solution. These processes work with a limited number of stakeholders, up to 30 representatives. From the presented examples of community conflict, assisted negotiation would be appropriate for situations A and C, and consensus building for situation B. For more evolved conflicts some **process of mediation or conciliation** is more appropriate such as dealing with conflict through **a community board or a conciliation committee** which would be appropriate for the example D.

## References:

- Carpenter, S.L. and Kennedy, W.J.D.: **Managing Public Disputes: A Practical Guide to handling Conflict and reaching Agreements**, Jossey-Bass Publishers, 1988  
Dukes, E.F.: **Resolving public conflict, Transforming community and governance**, Manchester University press, 1996

# Community Mediation

Dušan Ondrušek

The article provides various perspectives on how to approach community conflicts and use diverse frameworks such as “success as a mediation story”, social justice, or conflict transformation. A number of approaches are available to third-party interveners to use in their conflict intervention and community development efforts, including: community conferencing, community boards, conciliation councils, peace committees, deliberation programs, community convention, citizen jury, or study circles.

Since 1994, **Dusan Ondrušek, PhD.** has been the Executive Director of PDCS, o.z., Partners for Democratic Change Slovakia. His primary responsibilities include managing a 13-member staff and coordinating trainings for government and civil society groups. He has worked as a training consultant for organizations around the globe such as the World Bank, and IREX, organizing seminars on public participation, organizational development, conflict management, and alternative dispute resolution, among others. Dr. Ondrušek also lectures at Comenius University in Bratislava, Slovakia on negotiation and conflict resolution and cross-cultural communication, and is a widely published author.

As interveners in community conflicts, we are interested not just in conflicts themselves, but also in ways to deal with them. In this regard we sometimes talk of **conflict resolution**, other times of **conflict handling**, still at other times of **conflict management** or **conflict transformation**. Every society has developed its own rules and ways to deal with conflicts. Those were incorporated into custom law, generally accepted rules or legislation. The increased interest in “more scientific” approaches to conflict resolution became stronger and more apparent with the arrival of the so-called Harvard School of Negotiation and Conflict Resolution. This approach was linked primarily with William Ury and Roger Fisher and their book *Getting to Yes*. In view of the Harvard School, conflict resolution used primarily cognitive approaches. The starting point was to set limits to the conflict and manage its solution through a series of clearly designed steps in negotiation or mediation. The steps followed a given order and worked mostly with cognitive categories (separating positions from interests, giving a problem appropriate name and limits, and formulate an agreement in operational language...). The publication achieved such influence at that time that some people still identify the procedures with conflict resolution in general.

Much has changed since then. We no longer talk only about “conflict resolution” but also about “conflict management” and

“conflict transformation”. We leave behind the idea that conflict is something separate from its acting parties or that it may be resolved independently of people. (This idea was similar to repairing a broken home appliance independently of people.)

## **Today, when we talk about conflict resolution or conflict transformation we talk much more about emotions, relations and values.**

We do not see conflict as something with existence independent of people. We do not seek to “resolve conflict” but rather we think of “conflict transformation” (as a way of changing the community or its wider environment and in doing so changing the dispute parties or the system which give rise to new conflicts).

In our search for constructive approaches to conflict resolution, conflict management or conflict transformation in communities, we find a number of options. It is an art not to get lost in them. To attempt maximum generalization in distinguishing approaches, the dividing line separates two major groups of views and starting points. For simplicity sake we may call them rational perspective and transformation perspective.

From the rational perspective, the conflict is perceived as the problem to be solved or removed. Simple guidelines and procedures are sought to allow bringing the conflict under control. Conflict is perceived as something extraneous, inappropriate, something to be defined, isolated and separated from persons and social context so it may be managed in this way. Conflict is reduced to a problem outside ourselves, it is somewhat of an object capable of being managed, regulated, dissected into parts, repaired and put back into relation without causing tension. In this case the conflict may be fully understood and explained by reasoning. In solving the conflict, precise and as far as possible also universal method is being sought. A sequence of steps is determined as well as measures of progress.

In other approaches, commonly described jointly as transformatory,

## **conflicts are seen “only” as an outside expression of a deeper tension in the society and of the need for societal change.**

Conflict is not something outside of its agents, outside the dispute parties and individuals drawn into and affected by it. Values of people and communities emerge and become apparent. Emergence of the conflict enables to work with associated emotions, to talk about confronted values and to work on needed societal changes brought to our awareness precisely because of the open conflict.

## **Framework for working with conflict**

Well-known supporters of the transformation approach to conflict – Americans Robert A Baruch Bush and Joseph P Folger (1994)<sup>1</sup> showed, that conflict resolution (in their analysis, they make special focus on mediation) may be viewed in the context of four frameworks. Such frameworks

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<sup>1</sup> Robert A. Baruch Bush and Joseph P. Folger: The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition, Jossey-Bass Publishers, San Francisco 1994.



determine how we interpret mediation and proceed in situations of conflict. Organizing of conciliation processes, relevant institutions and procedures may be different. In their interpretation frameworks, Busch and Folder use the term 'story', talking about 'mediation stories'.

The first and perhaps most frequently mentioned 'mediation story' is **success**. According to this explanatory framework, mediation is increasingly preferred worldwide primarily because it uses methods of cooperation and integration. In mediation, both parties of the dispute are "winning", and it is therefore more successful than other methods such as court decisions. Emphasis is placed on benefits of mediation such as consensus-building, flexibility and lack of formal approach.

Another explanatory framework is **social justice**. In discussions related to justice, mediation is considered beneficial for its ability to achieve socially just solution, avoid exploitation, find common interest and avoid dependency of the weaker party to the conflict.

The framework of **transformation** says mediation is a unique method because through conflict transformation it allows dispute parties to change (transform) themselves as well as society. Conflict enables them to see and re-define the situation in ways different from the past. By immersing themselves into search for possible conflict solutions, they enrich themselves as well as their surroundings. Search for solution leads them to reflection and perhaps even to societal change. They may not resolve the conflict fully but emerge empowered from this situation. When facing problems in the future, they may be more secure also because they have been enriched by this experience.

Yet, Bush and Folger do not see just strengths to mediation. They warn mediation may be dangerous and even misleading (In their view, this is the fourth framework). The stronger party to the dispute may abuse mediation to ensure its predominance, turning mediation into manipulation. Because the starting point lies in interests of the parties and not necessarily in public interest, mediation results may make current class differences more acute and make the strong even stronger.

Some approaches claim of highest importance is peace and peaceful nonviolent solution to any disputes. They believe non-violence is even more important than justice. Robert Benjamin goes even further, saying that justice— just like rational, objective thinking and finality – is a myth. Some approaches are then based on the conviction that non-violent solution takes precedence before any other values. They say justice and other positive values may be achieved later if the society develops free of violence. Other approaches say that justice is more important than temporary peace. This opinion claims that if violating peace brings justice in the end – it gives a better foundation for a long-term peaceful (non-violent) co-existence. Perhaps non-violence and justice cannot be presented as categorical opposites but preference for one or the other value is strongly determined not just by practices prevailing in any society but also, for example, by cultural traditions.

We may find programs and institutes working with conflict prevention and transformation at the community level under various names. Since 1960's when grassroots citizen initiatives started to be stronger in USA and Europe, most often mentioned are Mediation Centers, Community Mediation Centers, Community Boards, Neighbourhood Justice Centers, Deliberation Programs, Conciliation Service, institute of minority self-governments, restorative justice, truth and justice commissions, Citizen Dispute Settlement Centers, Peace Committees, or community conferencing. Finally, there are also programs of greatest interest to us in this context: Conciliation Councils/Boards. Programs and institutes mentioned above practice 'strong democracy' – a term coined by American political scientist Benjamin Barber. It denotes such arrangement of society, in which citizens take over the main role in societal governance through everyday direct resolution of local problems, without relying on state institutions or some other central authority. All programs and institutes listed above develop democracy because they give highest authority to citizens themselves. Those entering a mutual conflict have the greatest power to suggest and decide upon solution to bring relatively highest level satisfaction to the community interest groups involved in the dispute.

For better assessment of the role conciliation councils may play in post-communist countries with their developing institutes of democracy, we are going to describe previous attempts at similar approaches elsewhere in the world. In the context of various programs, the place conciliation boards take as an institute will be highlighted, in a well-functioning community seeking and using social capital and various democratic mechanisms. We are going to describe elementary principles on which various programs of community mediation are based. In conclusion we discuss procedures, principles and character that conciliation boards assume in our conditions.

The advance of community mediation in USA in 1960's came as a byproduct of citizen movements (movement for racial justice, student revolts and the feminist movement). Partly, it also came in response to the ever less functional, overloaded and slow system of courts. Finally, it was another step in the process of strengthening democracy through higher citizen participation in decision-making and governance of public issues. To use a bit elevated language, community mediation was expected to become a tool of empowerment for individuals and communities to regain back control over their lives from state institutions (courts) because courts were perceived not only as ineffective but also oppressive and unfair.

The first programs of this type in USA appeared in Rochester, New York. Following racial unrest and skirmishes in city streets, conflicts had consequences that could not be disregarded. In response came the Rochester American Arbitration Association Community Dispute Service Project, started in 1973. It was later followed by programs near Boston (Dorchester) and in

1977 also by a long-term and highly successful program of San Francisco Community Boards. (Community Board programs have their follow-up 15 years later also in the first programs of conciliation councils countries of Central Europe.) Similar programs in USA have grown at a truly high speed. Ten such programs were registered by 1975, by 1985 their number grew to 170 and by 1995 their number reached around 300 in various states of USA. National Association for Community Mediation (NAFCM) estimates their current number in USA at over 500, with over 2500 volunteers working as mediators. Further statistics show mediation courses have been taken by 76,000 volunteers and mediation centers receive 97,500 proposals for mediation each year from one of dispute parties, of which 45,000 develop into mediation cases. Such mediation process ends with two-side agreement in 85% of cases and of these, agreement holds over long term in 90% cases<sup>2</sup>.

The Association set defining criteria for community mediation programs. For the most part, the criteria applied in our region as well<sup>3</sup> :

- Main providers of the mediation service are trained volunteers from inside the community (Higher education is not required but they must be familiar with their local community and understand local residents). Mediators, staff of mediation institution and representatives of the Board reflect diversity of the community they serve – for example, having minorities of the community represented.
- Community mediation program is a non-profit or public institution governed by an independent Board of Directors.
- The mediation institution provides the public with direct access to services so citizens (clients) themselves decide on whether to use the service (they are not instructed to use mediation by any authority such as the state). The mediation institution or program tries to remove obstacles which prevent or complicate provision of mediation (such as obstacles related to language, culture or inability to pay by economically disadvantaged clients).
- Initiation, facilitation and education performed for the benefit of stronger cooperative relations in the community so as to help achieve positive system-wide changes.
- Implementation of campaigns to increase public awareness of values and procedures of mediation.
- Implementation of a forum to allow for resolution of a conflict in its very early phases.
- Providing an alternative to court decision in any phase of the conflict.

Further we describe several approaches to third-party intervention into conflicts and community development which help us better understand the starting points for conciliation attempts in our conditions.

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<sup>2</sup> Trena Cleland: Democracy in Action: A Brief Review. June, 1996. (podľa Overview of Community Mediation, NAFCM).

<sup>3</sup> History of Community Mediation in the United States, [www.mediate.com](http://www.mediate.com), 1

## Community Conferencing

This term has appeared since 1980's most often in New Zealand and Australia, promoted by Australian David Moore<sup>4</sup>. It has appeared also in Canada, USA and Europe. Community conferencing has been most used in court cases involving youth care and in juvenile justice cases. As a result, partly thanks to this method, the rate of crime relapse decreased, satisfaction of both disputer sides increased and relations improved in communities affected unfavorably by previous conflicts.

The role of conference facilitator is to identify sources of conflict in the system of relations and bring people affected by the conflict into a circle. Facilitator then asks participants questions in a certain order. First come open questions about past events or problems which caused the conflict. They are followed by open questions to get better understanding and insight into current consequences of the conflict. The facilitator is a witness to a process during which participants experience conflict gradually transformed into cooperation. He helps negotiate an agreement which tries to repair past and minimize future damages.



The conferencing process usually comprises four phases. First, people feel anger and fear. They are agitated by the energy of unresolved conflicts and these emotions are directed against the other party. Then they feel surprise, stress and they release emotions experienced in the past. In the third phase – after they have clarified their feelings and put together a fuller picture of reality – they experience collective feelings of vulnerability. In the last phase, they turn to the future

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<sup>4</sup> David Moore: Community Conferencing. SPIDR NEWS, Fall, 2000, vol 24. no. 4, pp. 1-4.

and search for what may be done to improve the situation. Facilitator follows the principles of deliberative democracy: participation, deliberation, equality and “non-tyranny” (absence of power abuse by the stronger partner).

## Community Boards

The movement of Community Boards started in 1976 in San Francisco thanks to its founder, lawyer Raymond Shonholtz. From there it spread all over USA and into several countries of Europe.

As an out-of-court response to youth demeanors, experiments started with so-called citizen panels – groups of volunteers from the neighborhood trained in mediation who work as mediators in conflicts of individuals or groups in the neighborhood. Prevailing in a traditional court system is the effort to have the judge and jury as much distanced from the dispute parties as possible. Impartiality and justice is expected also because the third party is unfamiliar with any parties involved in the dispute. It is distant from them and uses in its judgment also objective indicators while leaving out subjective elements (metaphor of the “blind justice”). In the Community Boards approach the exact opposite principle is employed. Justice is achieved precisely because Community Board conciliators know very well the dispute parties as well their living conditions – usually they are from the same neighborhood.

Starting in 1981, Community Boards have made their way also to secondary and later to elementary schools, developing into so-called peer mediation. Students learn to take responsibility for dispute resolution into their own hands, without presence of an authority. Following up on the student programs, Community Boards focused on relations between students and their teachers, disputes among teachers, and started programs for parents and school administration.

Implementation of the Community Boards program usually proceeded in five steps:

1. Identification and selection of citizens for the Community Board. Of key importance in the selection process is that the person be representative of the community with the ability to create “bridges”.
2. Informing (educating) public about the role and possibilities of community mediation and conciliation and their mechanisms.
3. Recruitment of selected citizens for voluntary membership in the Community Board and their education through specific training courses, coaching and support.
4. Convincing ordinary citizens and community groups in disputes to try and take their conflicts to the Community Board instead of taking the issue straight to courts.
5. Convincing representatives of the official court system that Community Boards bring positive benefits and complement rather than threaten the court system.

## Conciliation councils

Conciliation councils work as groups of typically 5 to 11 local citizens who are ready to intervene in conflicts in a professional and balanced manner, have good understanding of local conditions and are close to one or the other group of citizens involved in the conflict in terms of language, origin, ethnicity, or social status. Even though members of the conciliation council carry respon-

sibility for the process and usually do not interfere with the dispute in terms of content, their role is key in terms of the dispute's constructive resolution and in prevention of similar disputes. The reason is that council members are local citizens with natural nonformal authority. They are people trusted in the community, socially sensitive and they stay away from ethnic or value prejudices. They have opinion-making capacity and are well-known by their non-confrontational approaches to conflict resolution.

Members of the conciliation council must clearly represent all major minorities in the community (e.g. women, Roma, farmers, etc.). They come from and have information about all sectors of society - from community-type organizations, public sector (local government or local state institutions) and business. Ideally, they are publicly "visible" representatives of professions with natural authority for the public - journalists, priests, minority leaders, local teachers, businessmen, local parliament members, policemen, students and civic activists. Members of the conciliation council must be professionally prepared for their role (even if their membership is voluntary).

## Peace committees

Using peace committees is successful primarily in countries suffering from long-term institutionalized violence against minorities, in which citizens traditionally distrust state institutions of power they could potentially rely on. Peace committees have existed, for example, in some counties of South Africa (in Capetown or nearby provinces) for close to 15 years. They started as a program of restorative justice – a non-state alternative to conciliation – since 1990 after the fall of apartheid<sup>5</sup>. The program was inspired by experience of Sweden, Finland and Canada and is based on the conviction that such model is more sustainable in a situation with weak state and self-government institutions lacking citizen trust. It leads to conciliation and perception of greater justice by the dispute parties.

The entire process of conciliation takes no more than two days. Conflicting parties from the community come to the peace committees (groups of local citizens professionally trained for the conciliation process) with a written complaint or a description of what causes or extends conflict. The parties read aloud their arguments to the committee and add their comments. The Committee then hears and asks additional questions to be answered by the conflicting parties. Explaining follows in the next phase, as well as searching for ways to correct the status of the conflict. The process typically concludes with an apology and an agreement on a joint correction action plan – these are recorded in a written report from the meeting. Sometimes the roles of the inflicted party and the violator get re-evaluated and the initial interpretation of the conflict situation changes. Parties to the dispute share equally in a symbolic way the costs of the conciliation process. One third of the payment is a fee for the conciliation committee, one third is put to a reserve fund for similar institutes and one third goes towards administration costs and community needs. Besides conciliation, the peace committees then also provide community investment and support e.g. construction of children's playgrounds or food aid for the poorest children.

## Deliberation programs

The term 'democratic deliberation' covers several approaches using mechanisms of dialogue and democratic discussion of interest groups of citizens and institutions in situations with several possible solutions and difficulty to determine which of them constitutes the highest public good,

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<sup>5</sup> Martin Wright: Peace Committees In Troubled Communities, February 2004, [www.mediate.com](http://www.mediate.com)

which best respects public interest. Such instances include construction of waste incinerator facilities, construction of prisons facilities, decision-making on housing issues in a community (e.g. decisions on eviction of non-paying tenants and provision of apartments to socially disadvantaged families or minority families, decision on expropriation of land in public interest). In all those instances major protests and citizen conflicts constitute a real threat. Their prevention and subsequent moderation is possible with the use of deliberation methods (hearing of opinions so that those affected by the decisions are involved in the planning and decision-making, that they receive information in time and are able to carry their share of responsibility for the final solution).

Hal Saunders and Kellogg Foundation have experimented for over 20 years with the institute of Deliberation Forum. Deliberation forum is based on prepared analyses, including three or four scenarios how to proceed in socially sensitive issues related to future of a community. Representatives of various opinions in the community are invited by facilitators to participate in public discussions in groups of 20 to 40 and undergo the process of deliberation of all possible alternatives. Deliberation fora may not result in entire groups coming to a common agreement on any one solution but rather on some compromise solution (presumably a combination of several alternatives). What is important is that citizens with different opinions leave feeling they had an opportunity to express their opinions and hear opposite views and that they achieved better understanding of problem's complexity and its possible solutions, aware of the symbolic price they have to pay (what they gain and what they lose) in choosing any solution alternative. Results of citizen discussion need not be binding for decision makers in planning their further steps in the community, but they do very often manage to change the sharp nature of the conflict and its non-constructive character.

A similar deliberation institute is called '**Community Convention**'. This method is inspired by ideas of James Fishkin on "deliberative public opinion poll"<sup>6</sup>. A Community Convention (a major discussion meeting of all community residents interested in a certain problem) is typically preceded by a series of minor meetings in neighborhoods (so-called open fora), in which citizens present their understanding of community problems and their solutions. Attending the convention are those who choose to come after first attending the open fora discussions and who wish to express their opinions and get involved in the decision-making. A Community Convention cannot be organized in major cities where it is technically impossible to involve in the discussions all the people who show interest.

Another deliberation institute is the **Citizen Jury**. The system of citizen juries has been used for example by Jefferson Center, USA since 1974. Citizens use this institute to express their opinions on disputed public policy issues, on such aspects on which conflicting views of various subgroups may be expected. The format of a Citizen Jury resembles that of pre-election fora at which citizens meet election candidates at public discussion meetings. The difference is that participants to citizen juries receive background information packages on the issues before they are discussed at the public forum and citizens have the opportunity to get familiar with the information in advance. Such meeting typically lasts three days and concludes after all presentation and discussions by giving preferential votes to particular officials (promoting a given solution). The vote is not binding for the decision-makers but is rather an expression of influential and well-

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<sup>6</sup> According to: Michael Briand: Building deliberative communities. 2003 www.cpn.org

informed part of the public and taking it into account helps prevent conflicts.

**Study circles** represent yet another institute using deliberation, of a much higher level of sophistication. The institutional partner – Study Circles Center – prepares background information (brochures, fliers, research papers) on the problem which community suffers from and which may become a source of future conflicts. (These are issues such as education or employment of minorities, possible ways to reduce criminal rates or to improve access to health and social services for disadvantaged parts of the community.) The Study Circles approach is based on the conviction that some conflicts are not addressed in a constructive manner because people lack information or education about the issue essence and tend to push for shortcut solutions which cause harm to other groups. This approach seeks to educate and find ways for direct dialogue among citizens with varying opinions. The Study Circle Center provides a facilitation role. It invites interested citizens and helps them express opinions and learn in repeated discussions within small “study circles” of 5 to 15 members. Facilitated learning discussion results in better understanding of issues such as local school reform, the need to merge schools or change their essence. They also improve ethnic relations inside the community and increase employment opportunities for minorities, etc.

Experience from Central Europe shows conciliation councils face similar barriers and employ similar steps to overcome them as Community Boards and other institutes of community mediation described above faced in their development 20 years ago.

# Neighbourhood Mediation in the Netherlands

Marijke Haffmans and Stijn Hogenhuis

This article is about the why, the how, the history, the organisation and the dissemination of neighbourhood mediation in the Netherlands. As other relatively new methods of conflict transformation that are spreading over the country, the premises of neighbourhood mediation is that people and parties in conflict should remain as long as possible the owners of the conflict and have to take responsibility for solutions.

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Nowadays there is much less sense of community than in the old days. Many neighbourhoods have a much more varied composition than ever before. Families, singles, students, people of different social class, with various religions and ethnic cultural backgrounds are now living next door to and amongst each other. Since the 1960's immigration has led to an enormous increase in ethnic cultural and religious differences. Amsterdam is now home to people from 165 different nationalities and is therefore the most multicultural city in the world.

Many neighbours do not know each other and have totally different lifestyles. The majority of people in the Netherlands co-exist with their neighbours without any problems, but about 12% do have problems with them. In contrast to work or traffic situations there is no framework in which it is stipulated how you should relate to each other as neighbours. Also enforcing behaviour is usually not an option. Yet a good relationship with neighbours is generally regarded to be of great value. According to normal standards, the ideal neighbour respects the (often considerable) need for privacy, is reasonably tolerant of sounds, offers help when required, greets one and is friendly. Whenever these basic needs are not met, conflict may not be far away.

Such conflicts are mostly about annoying levels of noise: music, children and animals, walking on wooden floors, banging, TV and other sounds of life. Furthermore people have trouble with parking problems, rubbish, mess and nasty smells. An

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\* Handbook Mediation; Neighbourhood mediation, chapter 14.4.1. Stijn Hogenhuis, SDU Publishers, The Hague 2005.

intense relationship that has lasted for years can suddenly become rather disturbed because of an apparently unimportant incident. When people are so disappointed in their neighbours that it leads to arguments, people often do not know where to turn. They call the police, the housing corporations or do nothing out of fear. The problem can easily escalate and people feel dependent on the authorities to find solutions.

The idea of neighbourhood mediation is that introducing intermediaries into precisely these kinds of conflicts can stimulate people to better understand those who are living next door to them.

Intermediaries can support and help develop the abilities of residents to think up creative solutions to their conflict and then to make agreements with each other that are acceptable to both parties.

Conflicts that involve elements of frequent violence, severe problems of addiction and obvious psychiatric problems, but also vertical conflicts that residents may have with the landlord or the local council, are not suitable for neighbourhood mediation.

## How it began in the Netherlands

Neighbourhood mediation was introduced to the Netherlands in 1995. Researchers in criminal law from the Erasmus University in Rotterdam had for some time been doing research into alternative, more human ways of responding to crime. The researchers came across 'community boards' in San Francisco: round table discussions between quarrelling neighbours that were led by other residents of that neighbourhood. These people had done a course prior to undertaking this voluntary work. Based on this idea, housing corporations and the city council decided to co-operate with the Erasmus University and to finance the introduction of neighbourhood mediation. Similar initiatives happened in a number of places in the Netherlands which copied the Rotterdam version of the San Franciscan 'community boards'. Now there are 17 groups in Rotterdam active in various districts. In 2006 there were 62 projects up and running in the Netherlands and 10 projects in an orientation phase for setting up neighbourhood mediation.

Quite soon afterwards a national office for neighbourhood mediation came into existence to serve the need for advice and exchange between the various projects. This office for national expertise is now in the hands of the Centre for Crime Prevention and Safety in Utrecht (CVV). The CVV organises meetings every six weeks for all the co-ordinators of neighbourhood mediation in the Netherlands so that developments and visions can be shared. It develops practical things such as an easy to manage registration system for all projects and national trainings. There are quality standards formulated for trainings, co-ordinators and mediators. These standards serve as a touchstone for future projects.

Meanwhile neighbourhood mediation takes place in different forms. The projects are usually financed by the local council, with contributions from the housing corporations. In some cities, such as Rotterdam, the corporations are the principal sources of funding. The salaries of district co-ordinators are the most important financial item.

Amsterdam is organized differently. Their starting point was the Rotterdam model with its paid co-ordinator plus 12 volunteers for every 10,000 residents. The model needed to be adapted to the realities of Amsterdam. Here it was necessary to set up a volunteer based organisation throughout the whole city with the same budget that Rotterdam has for running teams in two districts. In Amsterdam the co-ordinator is head among equals, a volunteer amidst other

volunteers. However the project management there does part of the co-ordination tasks such as intake and evaluation of applications, and recruitment and training of volunteers.

According to the CVV neighbourhood mediation projects usually consist a group of fifteen to twenty selected and trained volunteers, supervised by a professional co-ordinator. A steering committee monitors and supervises the project and usually consists of representatives of the local council, social work institutions, police and housing corporations.

### How does neighbourhood mediation work?

Neighbourhood mediation is an informal way to settle disputes that is started in order to resolve conflicts between neighbours.

All parties participate voluntarily and must be willing to commit themselves to solving the problem so that they can remain neighbours in a desirable manner.

*Trained volunteers* from the same neighbourhood help other residents to make mutual problems open to discussion and search together for solutions that are favourable to all parties. This form of informal conflict resolution is in direct contrast to more formal approaches in which an authority, such as a judge, makes a decision which all parties must abide by.

Neighbourhood mediation is based on the techniques and ideals of more formal forms of mediation. In both cases parties are encouraged to listen to one another and to come up with suggestions themselves. Since the approach is based on creativity and responsibility 'from person to person', it provides for a need. Not only is the demand for it growing quickly, given the enormous increase in projects, but also the trainings for formal mediation skills have been popular for years. The number of officially trained mediators still exceeds the number of requests for mediation. These trainees find a way to build up their experience as volunteers through acting as intermediary in these neighbourhood projects. By no means is each neighbourhood intermediary trained as an official mediator.

### The co-ordinator

The co-ordinator is the pivot on which the organisation of neighbourhood mediation depends. This is often someone from social work or community building who has been officially trained as a mediator. The co-ordinator maintains contact with the originator of the referral. That is important since 80% of the reports of disputes between neighbours come from 'policemen on the beat' and housing consultants. The professionalism of the co-ordinator and his position in the network of professionals in a district or town makes it possible for him to refer disputes considered to be unsuitable for mediation in an appropriate way to the institution where the issue can be tackled. One important factor in the success of neighbourhood mediation projects is a co-ordinator that is able to exert influence on the originators of referrals time and time again. Co-ordinators must be, and remain, enthusiastic about neighbourhood mediation and be well aware of the benefits offered by it, and learn which cases are appropriate for it or not. The co-ordinator finds and selects the neighbourhood intermediaries. He distributes the applications that have been screened for their appropriateness, organises the three day trainings for neighbourhood intermediaries, follow-up trainings, peer group meetings, locations, catering, etc. The neighbourhood intermediaries must be capable of working independently.

### The referrers

In the districts where neighbourhood mediation is active, people in desperation about a

quarrel with their neighbours usually go to the housing consultant at a housing corporation or the 'policeman on the beat'. One can also go to the police. So in order to function properly neighbourhood mediation must establish its place in the network of these institutions in a town or district. Maintaining contact with the referrers requires continuous attention: there are frequent re-organisations within institutions where the referrers work, so that tasks and contacts change. The referrers are not always convinced that volunteers can play an important part in tackling problems for which they themselves have been trained. In addition they do not always know what to make of neighbourhood mediation.

Neighbourhood mediation is set up as a service 'for the people by the people'. Before institutions get involved with a dispute, neighbourhood mediation can act as a lower threshold service to guide people in how they can tackle their problem themselves. Furthermore it seems that the neighbourhood intermediary, as independent party not connected to an institution, is capable of restoring communication and achieving a breakthrough even after all sorts of institutions have tried and failed to solve the problem. Whenever there have been good experiences with it, people gain insight into the potential of neighbourhood mediation, and when contact with the co-ordinator goes smoothly, trust builds and there are more applications. By the way in cases of a dispute between neighbours citizens can also apply directly to neighbourhood mediation with a request for intermediation.

## Neighbourhood intermediaries

Neighbourhood mediation works in principal with unaffiliated intermediaries from the town or district where neighbourhood mediation is active. There are no financial considerations. Service offered by resident volunteers make the project low threshold. They demonstrate that there are people in the neighbourhood who can take responsibility for their living environment. This image promotes confidence in people's own capacity to create a good environment in their district. Many intermediaries reveal that they like to do this work so that they get to know the parts of their town and its residents with which they would otherwise not have come in contact. Usually 2/3 of the team consists of residents who are not officially trained mediators. In different towns one strives towards having a group of volunteers that is a reflection of the local residential population. But this aspiration may conflict with the quality standards that have to be set: being able to remain neutral, prepared to work together, radiating confidentiality, an open friendly attitude, a positive attitude, willingness to keep to the method of mediation, and good command of the Dutch language. Personal involvement or local circumstance can exclude using a particular intermediary in a certain neighbourhood.

It is noteworthy what a large number of people apply to become a neighbourhood intermediary. It seems that many people want to do voluntary work when it is interesting, tangible and useful and falls outside of bureaucratic framework. Neighbourhood mediation meets all these requirements.

## How it works

The methodology for neighbourhood mediation involves three discussions which the intermediaries always conduct as a pair: one conversation with the neighbour that has reported the problem, one conversation with the other party in the conflict, and finally one *mediation session* with both parties.

In the course of separate intake sessions the intermediaries explain the process and allow the parties to tell their story to gain a broad picture of the facts and their thoughts about the conflict. They coach the parties to consider what alternatives they have and what benefits

these alternatives might bring in the future. When parties experience difficulty about entering into dialogue, it often helps to ask them to think about carrying on the dispute whilst living next door to one another. The clue is not to proceed to *helper's behaviour* through allowing too much space for the problems of both parties. 'Selling' the mediation by the intermediaries is out of the question. Participation is *voluntary*; both parties remain responsible for the conflict.

The obligation for *confidentiality* for both residents and intermediaries must also be properly covered. Everything that is discussed back and forth during the sessions may not be repeated to third parties and shall not be used later on during a legal procedure. The intermediaries are not allowed to repeat what has been discussed to the police or the housing corporation for example. Also whatever is discussed privately with the parties must remain secret. If one or both parties do not want to proceed, then the intermediaries do not tell the referring institution that one of the two is unwilling nor which one this was! *Only the end result of the mediation process (successful or not) may be communicated.* Only if both parties give their permission may the specific agreements be revealed to the referring institution.

What neighbourhood intermediaries find especially tricky is the initial conversation with the second party, who generally does not know that his neighbours have engaged neighbourhood mediation. They ring the door bell and make contact by indicating that the neighbours would like to have a discussion in order to improve the contact, formulating it positively thus: 'Your neighbours regret that things are not going well and would like to invite you to have a discussion under our guidance'. Then the intermediaries state that they also really want to hear the story from this side. If the neighbour does not want to co-operate, they leave a folder with a telephone number in case there is a change of heart. They also inquire whether there is any objection to their having contact again within a short period. In any case the intermediaries always have a second contact with the complaining party.

The discussion between the parties together with the intermediaries is similar to that in an official mediation process, except that there is no contract or settlement agreement made. But most projects use a form on which the agreements are recorded. It is especially important for intermediaries to be able to channel emotions that have often become highly charged and to preserve the balance between the parties.

The mediatory discussion always takes place at a neutral location, never at the home of one of the participants. The parties are stimulated to talk to each other rather than to the intermediary. In the best scenario communication can be re-established. Often agreements can be made that are acceptable to both parties. It also happens regularly that an agreement is made not to have any more contact at all. Sometimes a second discussion is necessary. Sometimes the conflict is so deeply rooted that the parties will not talk further.

There is always after-care. Either the intermediaries or the co-ordinator ring up six weeks later to inquire whether things are going well or another discussion is needed.

## Does neighbourhood mediation work?

The first research on neighbourhood mediation in the Netherlands was done by the Erasmus University between 1996 and 1999. In 2003 the Ministry of Justice carried out an evaluation of the efficacy of neighbourhood mediation. Although these two studies are not comparable in terms of methodology or thoroughness, the data about the results of neighbourhood mediation are in reasonable agreement.

In the Erasmus research it appears that the problem is solved in 40% of the applications, of which 25% happens via neighbourhood mediation. In the remaining 15% of cases neighbours themselves initiate a conversation with their neighbours or change their behaviour following the intake conversation they have had with the neighbourhood intermediaries. By the way this proves the importance of the separate conversation with each party. In 24% of applications the case is referred on to a relevant authority and in 36% there is no effect found. The Ministry of Justice research reported that in 59% of the applications only the separate conversations with each party actually took place. In the annual reports on the projects it can be seen that 40 to 50% of all applications lead to a positive result simply through such conversations with the intermediaries. 25 to 30% of all applications lead to a mediation session.

From both studies it can be seen that among all the neighbours who have had contact with neighbourhood mediation, at least 90% are very satisfied. In this way neighbourhood mediation contributes to greater social cohesion in the area, a better living environment and reduction of the workload for police and housing corporations in particular.

## Conclusion

It seems from the nearly 12 year history of neighbourhood mediation in the Netherlands that it takes a while for all those involved to find the right balance. Referrers do not know when it is appropriate to refer and when not. If it is seen that many applications are not negotiable because one of the parties has absolutely no faith in mediation, this can be disappointing for the referrer. Intermediaries have to live with the fact that many of their conversations are indeed useful and effective but that they do not always lead to a mediation session. Many intermediaries feel that they are falling short. The co-ordinators also have to develop their skills in estimating whether it is sensible to send volunteers into a dispute or not.

The need for neighbourhood mediation is obvious given the enormous growth in such projects in the Netherlands. People have a need to live in peace. When you ask people who are involved in a conflict what they need, they never mention the organisation of a commission or more facilities to uphold the law.

What people do need is a kind of contact with the other party in which there is understanding and respect, where there is the opportunity to make clear what is important, to be heard, to offer excuses or be forgiven.

Those are matters that no political system or administrator can organise. This can only be achieved through authentic relating between those involved. Neighbourhood mediation does not claim to be the solution for all problems between neighbours. It is dependant upon the motivation of those who bear responsibility for the conflict and creates opportunities for smoothing out stuck relationships and restoring communication between neighbours where they have become stuck.

The authors are grateful for the use of the **following publications** (in Dutch) in the writing of this article:

**Better and Good Neighbours**, part 1, 2 and 3. Published by the National Expertise Centre for Neighbourhood Mediation, Utrecht 2003/2004.

**10 years of Neighbourhood Mediation**, published by the Centre for Crime Prevention and Safety, The Hague 2006.

**Protocols for Mediation Amsterdam**, Foundation for Mediation Amsterdam, 2007.

# Migrants as Cultural Interpreters in Göttingen, Germany

Outi Arajärvi

How we benefit from the resources of migrants for a better integration of migrant children in schools.

**Outi Arajärvi** was born in Helsinki and moved to Göttingen, Germany to study social and political science. In a foundation for adult political education she managed cooperation projects in Central and Eastern Europe. She currently works as an independent consultant and coach for project management and intercultural communication. As a scientific officer she worked with the Institute for Applied Cultural Research, Ifak in the European Cooperation Project "Associations and Resources for Conflict Management Skills" (ARCA). She was also involved in adult education projects of the Ministry for Education and Research with an emphasis on learning consulting, qualification of migrants, and intercultural personal development.

## Children with migration background are often discriminated against

The idea to initiate a training of cultural interpreters was created by the Institute for Applied Cultural Research (Ifak) and Göttingen's municipal Integration Office in the context of problems which parents or pupils with migration background face with the educational institutions. Parents often complain that they don't understand the information letters or they feel uncomfortable because they are not familiar with the rules and expected roles. On the other hand the teachers complain that the parents don't come to the parent-teacher conferences or to parents consultation hours. The teachers have the impression that parents are not interested in the success of their children at school, while asking the parents they all agree being very interested in a good education of their children. Moreover most of the teachers have only little knowledge about the cultural and social background of the migrant families.

We see these communication problems between parents and teachers as one reason for the untenable fact that children with migration background face hidden and open discrimination in the education system in Germany, as several international and national studies on education have proved. Twice as many migrants leave the school without any certificate than students without a migration status do. Migrants are strongly underrepresented in the high schools and overrepresented in the compulsory basic secondary schools (Hauptschule) or in special-needs classes. More often it is not a lack of intelligence but inadequate language skills that force the pupils to attend this type of school. The original intention of Hauptschule was an education with a following apprenticeship in a manual labour job but this is almost impossible these days. Today you need a certificate

from higher level schools for most of the jobs. Therefore Hauptschule ends up with a very high percentage of migrant children in a volatile mix of students with poor social background. Unfortunately this often leads to very poor academic results and low job opportunities.

## The approach of Institute for Applied Cultural Research (Ifak) as initiator of the project

All these problems are also common in Göttingen's borough Grone with a high migrant population. Together with the Integration Office, the Neighbourhood Centre and women from the center's "women's breakfast" Ifak developed the specific project of cultural interpreters. We have learned about similar projects in other German cities which have been tested in the past four years. In one case the city of Darmstadt has opened a contact point where schools and other offices can ask for "intercultural pilots", these are volunteers without any training for this task but just people with knowledge of language and culture. In Münster one trained "national worker" offers his services on different occasions. We wanted to connect both aspects, a network of people with different languages and cultures who are trained in consultation.

This idea corresponded well with the areas of engagement of Ifak: Ifak is a small non-governmental cultural association active since 1988 and established by cultural and social scientists with the aim to connect science and cultural practice, to develop political ideas in projects with groups from different fields of the society, and to support the development of intercultural competencies.

The main areas of activity have been migration, development policy, networking and intercultural communication. Ifak was a founder of the Information Centre for Development Policy in Göttingen and initiated the founding of Education 21 in Southern Lower Saxony, a network of approx. 50 educational institutes in the region. Ifak is a member of the supervisory board of the network. Ifak also initiated the Network Migration, a self-organised network of migrants' organisations. For the last four years, Ifak has been active in research and practice of intercultural communication in the frame of the program "Learning Culture Competency Development" of the Ministry for Education and Research. It created the project "Improving Competencies of Migrants through Learning Consulting".

### **The public discussion about deficiencies of migrant population and about failed integration initiatives by the state or even the migrant's lack of readiness to become integrated mostly does not take into consideration the potential of people with migration background.**

Starting with the conviction that migrants have brought several competences from their home countries and need opportunities to use and develop them here, Ifak is trying to set a competence-oriented approach of "competence transfer" against this trend. Competence transfer assumes that people who are familiar with two cultures have gained and extended competences within the migration process by searching and using this cultural knowledge in different informal occasions. Often their qualities and competences are refused by stressing their deficiencies and by the fact that their certificates and graduations of schools, high schools and vocational education from the home countries are not accepted. The concept of competence transfer describes the competences of migrants who are able to transfer the competences they have gained in their

home countries into the new environment and to use them successfully. A successful transfer of the competences improves the behavioral competences to act in two or more cultural contexts. The project of cultural interpreters aims to develop and use these competences of the migrant participants of the training.

## Intercultural consulting with cultural interpreters

The cultural interpreters shall offer consultation and mediation in intercultural conflicts and accompany parents and pupils during sensitive or problematic contacts with schools. The aim is to foster the cooperation between kindergartens, schools, education centres and parents and students with migration background. By improving the integration in schools the cultural interpreters can make easier the transfer from one educational level to the next by taking into consideration learners' backgrounds. That means taking into account the circumstances under which the pupils have to learn and trying to find ways for them to learn better. The involvement of the migrant parents in the education and the educational system is necessary for an active participation and integration in the society and has positive effects on the motivation of parents and their children. The cultural interpreters themselves are all migrants who have been living in Germany for a longer time. In this respect the project aims to empower both the cultural interpreters using their language abilities and cultural competences as well as parents and students with migration background.

The concrete work of cultural interpreters includes: interpreting and mediation in conflicts in educational context; accompaniment of parents and students during consultations in schools (parent-teacher conferences and consultation hours at school); information about German educational system, different schools in Göttingen, special needs education etc.; translation of invitation letters and information materials for schools and kindergartens; as well as provision of information and accompaniment services for schools regarding sensitive subjects such as sex education, sports, school trips or differences in styles of raising children and in expected parents' roles in other cultures.

The cultural interpreters have to make a lot of public relations work and networking and they have presented their concept in different schools. The parents have to be informed about the services directly in their social networks like migrants' organisations or in informal meetings. For one year the cultural interpreters have been providing open consultation hours in the neighborhood centre especially at the time when school reports are given or in the beginning of the school year when many parents visit the centre. Their work sometimes varies a lot and it is difficult to see a distinction between the role of a social worker and a cultural interpreter. Many migrants face similar problems with other official institutions as they do in the schools. Here the cultural interpreters have to take care not to become overwhelmed and to see their limitations to being able to help. It is better to accompany migrants on their visits to official institutions.

Access to schools varies highly and some teachers are overwhelmed and difficult to reach. Often the teachers see themselves as experts on working with parents and some refuse to receive consultation. It is necessary to adopt a sensitive and patient approach.

Some of the activities of cultural interpreters in 2006/2007 included one open consultation hour per week offered in the neighborhood centre, an information sharing seminar on education styles in different cultures for teachers, regular participation in neighborhood round table meetings,

involvement in planning meetings as part of the Borough Management Grone (city planning instrument to coordinate the different activities of Grone), active participation in cultural activities of Grone, and the initiative to organise “Meeting of Men” to follow the example of “Women’s breakfast”.

## Qualification course for cultural interpreters

With the aim of grounding knowledge about the educational systems and good counseling competences the cultural interpreters were educated in a 4-month training (4 hours per day). The necessary competences are *knowledge of the complicated German school system*, basic knowledge about child development, educational styles in different cultures, and special needs education as well as mastery of different consulting services; *soft skills* - especially empathy as well as communication, negotiation and basic mediation skills; *self competences*; skills to reflect situations and to be familiar with one’s own limitations; *behavioral competences*; how to raise and provide confidence and how to transfer competences – how to bring up children in two different cultures.

The training comprised courses in all these areas. The participants of the qualification training were 10 persons from six different countries with background knowledge of Arabic, Kurdish, Turkish, Russian, Serbian, Croatian, Polish, Albanian, French, Uzbek, and German languages. By their professional background, they include teachers, a physician, a nurse, an agricultural engineer, a historian, a philologist, a businessman, and an application programmer. The training was financed with “Local Capital for Social Tasks” – funding from the European Union for social projects in communities.

## Principles of the cultural interpreters

The following principles were drawn up together with the participants during the training. They should set up the foundation for their work and for eventually new trainings in the future:

- We are convinced that all involved persons (parents, teachers, pupils and social workers) have their own competences to solve their problems.
- Our aim is the empowerment of migrant parents and pupils.
- Our task is to help both sides to come together to have a dialog equal-to-equal.
- Our work is solution-oriented.
- Cultural interpreters offer a service to enhance the start of a dialog and of the search for a solution which otherwise would be difficult or impossible because of language and cultural barriers.
- Consulting is not patronizing, that means we give information and tips, and enhance contacts with experts in order to come to better solutions. We don’t push forward and do not make any decisions for others.
- We try to make transparent the distinction between translation and consultation.
- We care about privacy and protection of data.
- We see the teachers as experts in their profession and the parents as experts in familiar situations. Both sides may make mistakes without losing respect. That means we seek a respectful behaviour without belittling the problems.
- Children and youth are dependent on adults and therefore always less powerful. Our task is to achieve balance and to stand up for their interests.

## One example: On the par at Women's Breakfast

### Cultural interpreters translate the visit of the headmaster at the Neighborhood Centre in Grono

The "Women's Breakfast" is the core intercultural encounter in the neighbourhood centre and for many women the only time of their own during the week. Since beginning of 2007 the cultural interpreters offer an open consultancy hour right after this meeting. They work voluntarily also in the preparation team of this breakfast because – besides gossiping - it is a good opportunity to give these women information on different themes they otherwise would not have an easy access to. The women have very different national backgrounds, many of them are refugees, some have language problems, often many children and most big problems to master in their everyday life. Problems with the school are in any case a part of it and that is why the preparation team initiated a meeting with the headmaster of the primary school. This school has also itself many difficulties; it is divided in two locations, 100% of pupils in the current first grade have migrant backgrounds and the school faces high turnover of teachers. Talks with the headmaster take place mostly in a stressful atmosphere and under pressure because of time and unresolved problems. Therefore it was highly appreciated by the preparation team that the headmaster accepted the invitation and came to the women's breakfast. It had taken time and many attempts to contact him before this successful meeting.

The women waited for his arrival anxiously and with excitement and it was not easy to maintain a calm talking atmosphere in a room with at least five languages (Arabic, Kurdish, Turkish, Russian and German) spoken. The cultural interpreters had the difficult task to enable the communication so that all questions and answers could be understood without long waiting time for translations or disturbing side discussions. On the other hand all comments, questions and problems of women who need translation had to be communicated.

The most important issues discussed included the transfer from kindergarten or family to the first grade of primary school and the transfer from the primary school to the secondary school (in Germany the pupils are divided into schools of different levels as soon as they complete 4 years of schooling). Other school problems like homework and concerns with certificates were also discussed openly.

All participants were satisfied with the open, lively and direct dialogue although the atmosphere was not always as calm as planned. It was agreed to initiate similar meetings with headmasters also from the different secondary schools organised by the cultural interpreters.

## Lessons learned

After one year of experience with the trained cultural interpreters we have learned a lot and think the following lessons learned are important to take into consideration in the planning of similar actions.

**1. The training takes time.** Migrants who wish to become cultural interpreters often do not have similar level of background knowledge as German educators or social workers as contents of education varies a lot between countries. The participants were learning in a foreign language

and although they were highly motivated, the training always lasted longer than planned.

**2. The trainers should have experience working with migrants.** The very heterogeneous composition of participants implies that they have quite differing theoretical and practical competences. Often they also have problems with their residence and working permits or face familiar difficulties. The trainers need to listen and to analyse what the real issues are. Intercultural learning is needed on both sides.

**3. The perceived role of cultural interpreters** was not easy to learn. The participants had difficulties to find their role between being a consultant, an interpreter, and a mediator. It was difficult to step back and not to give advice or to offer own solutions. It was necessary to gain self-reflection skills.

**4. Cooperation with schools.** Many meetings and much contact care with schools is needed because in many cases teachers regard themselves as experts in parenting, are afraid of criticism and loss of power and therefore hesitate to use the service of cultural interpreters.

**5. Risk of overwhelming.** On the other hand some social workers in schools were happy to hand over the problems with migrant pupils and did not themselves paid any more care. This was too overwhelming for the cultural interpreters. It is necessary to define clear division of working tasks.

**6. Coordination.** In many cases it is necessary to have a coordination office because the schools often have acute problems and they wish that somebody came immediately. Due to lack of finances, the cultural interpreters have until now worked mostly on a voluntary basis and could not be available all the time. In our case the Integration Office took over the coordination.

**7. Difficulties in financing further work.** Until now the municipal authorities have not seen the necessity to finance the ongoing work of cultural interpreters; it is rather expected that they would work voluntarily. Many of the cultural interpreters are unemployed or work for low salaries and cannot understand why they should work unpaid - they don't feel to be really respected in their work.

**8. Lastly, don't expect too much.** It takes time to build a network with schools and kindergartens and to contact the parents in migrants' organisations and organise informal meetings. The cultural interpreters need time until they dare to mediate and also until the teachers accept them and trust in their competences.

## Outlook

Although facing financial difficulties, most of the cultural interpreters are engaged in voluntary work. Already for one year they have been offering one weekly consultation hour in the neighbourhood centre and organising other information events. Of course their time is limited because all of them try to find paid work. Their commitment to work is great also because they are part of the community – most of them live in Grone and being now known as cultural interpreters, they are often contacted informally.

Ifak and the Integration Office of Göttingen try to find new funding to continue the work on a better basis. We would like to widen the concept and offer consulting also in problems with other institutions but so far the city has not seen the possibility to provide funding for it. There are plans

of the government of Lower Saxony to train further cultural interpreters across the country to work as volunteers. We support this initiative although the plans count with only few days of training. This can lead to a more difficult acceptance in the schools and other institutions if the cultural interpreters are not well trained.

We think that all these different initiatives will eventually enhance integration of migrants and hopefully offer them more opportunities for participation in the society. This is necessary if we wish to avoid segregation tendencies and growing violence in our neighborhoods.

## Solving Roma Housing Issues in Prešov, Slovakia

Andrea Chorváthová and Pavol Makýš

**Andrea Chorváthová** has extensive training, management, and consulting experience. She has trained NGO leaders from throughout Slovakia and Eastern Europe in a broad range of management, organizational, and communication skills. Further, Ms. Chorváthová has worked extensively with the Roma community in Slovakia. She has trained numerous Roma organizations and leaders, and placed U.S. Peace Corps volunteers in six Roma NGOs.

**Pavol Makýš** has been involved with Roma integration in Slovakia for the last 10 years. Currently he works in Partners for Democratic Change Slovakia - PDCS focusing on increasing participation of Roma on local levels especially by cooperative planning process.

### Summary of the conflict

Large numbers of Roma supported by social welfare programs in Slovakia face huge problems - insurmountable rent and utilities debts. Just in the city of Prešov, in the eastern part of Slovakia, nearly 300 impoverished families as of late 2006 owed large sums of money to the municipality and utility companies, having failed to pay gas, electricity and water bills and rent for years. A Slovak court took action and ordered the forced eviction of 9 families from public housing. The others faced the prospect of utilities being cut off to their homes and apartments, or worse, being turned out as well.

### Use of a conflict prevention body

Recognizing the consequences of allowing the situation to worsen, including further forced evictions, the Prešov cooperative planning group organized a roundtable discussion in partnership with the civic association PDCS (Partners for Democratic Change Slovakia) and the Plenipotentiary Office for Roma Communities in Prešov. The cooperative planning group was established in early 2005 in Prešov as part of the PDCS-managed Roma Integration Program and has served as a resource for both Roma and majority populations in the community. Group members became important actors in community planning processes which resulted in increased awareness by the local government of issues affecting Roma and the development of specific solutions to problems in Roma education, health and housing, implemented by the municipality.

### Involvement of stakeholders

Roundtable participants, including Roma, utility company and local government representatives, discussed possible solutions to the problem and decided to implement the *institute of special receiver*. The legislation-based *institute of special receiver* allows the Prešov Municipality, its Department of Housing responsible for municipal-owned housing in the city, and the Office

of Labor, Social Affairs and Family responsible for social welfare benefits, to deduct adequate amount from government support payments to impoverished families to cover essential items, such as rent and utilities. The solution protects the apartment holders and especially their children who often do not have control over household budgets but suffer when the family is evicted.

By the end of 2006, the first 20 families were included in this program and additional 100 families were planned to follow in the next two years. The solution produced during the roundtable dialogue will ensure that these and future low-income Roma families in Prešov would not face homelessness.

## Description of the community and context of the conflict

The parties involved in the community conflict included PDCS, Plenipotentiary Office for Roma Communities in Prešov, Prešov Municipality, Office of Labor, Social Affairs and Family, Utility company, Waterworks company, Roma Community Social Workers and representatives of the community.

The city of Prešov has around 70 000 residents with some 4000 of Roma origin. As of late 2006, approximately 300 families in Prešov owed large sums of money to the municipality and utility companies for gas, electricity, water, and rent used for many years. Large percentage of those have been Roma families. The problem went for years and became one of the sources of conflicts. As a result, large areas of the city turned into typical ghettos.

From 2004 to 2006 PDCS established a cooperative planning group to identify serious problems of the city and organize roundtables or meetings with relevant institutions to achieve the best solutions. In the frame of the RIP program the Conciliation Commission was established also to address daily problems of residents, particularly in the Roma communities.

The conflict resulting from nonpayment for utilities and rent concerned primarily the families of nonpayers, the municipality which was not using the available tools ("the institute of special receiver" for example) and the wider community.

The *institute of special receiver* is a legal institute which allows the municipalities or NGO's to take responsibility for social welfare benefits, to deduct adequate amount from government support payments to impoverished families to cover their essential items such as rent and utilities. It has been rejected by some municipalities while accepted as a useful tool by other.

Escalation in the form of court-ordered eviction of 9 families from public housing made the entire conflict much visible. The issue of bad payers had been known for a long time, but its solution was postponed. Many other families now faced the prospect of utilities cut off to their homes and apartments, and possibly also being turned out.

## Intervention

### *Causes of the conflict*

This was a typical conflict between Roma communities and the municipality, utility companies, and the majority. It can partly be attributed to lack of information on the part of Roma who were unaware they could be evicted for not paying rent. Many Roma were also unaware of the possibility to receive social support payments for their housing.

Also involved was a conflict of interest as many Roma were evicted from their homes on the

basis of municipality pushing for its own interests. Clearly, the conflict also had its minority vs. majority dimension as well as structural-systematic dimension - there is no fitting housing available in Slovakia for socially disadvantaged groups such as Roma who also lack the opportunity to find a job.

The Roma community was involved mainly through their community workers who have been also living in this locality.

The intervention was managed mostly through the cooperative planning group and the Conciliation Commission established as part of the Roma Integration Program financed by USAID to map key problems of the city and organize roundtables and meetings to address them.

**The solution to this conflict helped stop evictions first started by court orders issued to nine families living in public housing.**

## Solutions and achievements

Roundtable participants, including Roma, utility companies and local government representatives, discussed possible solutions of the problem and decided to implement the *institute of special receiver*. It allowed the Prešov Municipality, its Department of Housing responsible for municipal-owned housing in the city, and the Office of Labor, Social Affairs and Family responsible for social welfare benefits, to make deductions from government support payments to impoverished families towards the cost of rent and utilities. Such as solution addresses the risk of rent and utility bill nonpayment and helps mitigate the risk of resident families including children being evicted from their homes.

As the problem with bad payers is far from being exclusive to Prešov community, the tool employed in this solution may be replicated or adopted by other communities facing the same problem.

What was interesting in this case was the motivation needed for the municipality to start addressing the problem. The issue has been publicly known for a long time through media reports and was repeatedly presented for solution to the municipality by social workers and local NGOs. In the end it was the risk of having a high number of homeless people in the city which prompted the municipality to take serious interest in the issue.

## Lessons learned by the community

The non-paying families understood that they need to take responsibility for their own life. They became aware that having a flat involves also certain responsibilities and duties. The solution taken has given them a chance to prevent eviction from their homes. Essentially, it meant a chance to stop the community's most serious problems and start addressing other issues such as education of children or employment for community members.

This case helped especially the Roma representatives of their communities to win higher respect at the municipality level. The municipality representatives also started to understand the positive role of local Roma NGOs and initiatives. They were previously not familiar with the institute of special receiver and therefore opposed it without giving it much thought or suggesting any other solutions.

## Lessons learned by the intervener

### Recommendations for NGOs intervening in community conflicts

It is greatly recommended to involve numerous partners in the search for the best solutions, particularly if the solution will result in a change to the system.

The methods of conflict prevention and resolution are based on looking for the best common solution for all parties involved. The cooperative planning process, roundtables or working groups at the local level involve representatives of institutions, municipality, NGO representatives as well as representatives of Roma community. They are not concerned strictly with resolving the conflict but are also looking for the best mechanism for local decision making on Roma issues. A shared process of looking for the best solution also provides a good opportunity to integrate improvements to the system and so contribute to conflict prevention.

## School Conflict in the Prague District “Černý Most”

Táňa Šišková

**Tatjana Šišková, Ph.D.**, is working as a mediator, facilitator, and trainer. Her specializations are conflict resolution, interethnic conflict, communications, negotiation, mediation, team building and facilitation. Dr. Šišková established the Association of Mediators of the Czech Republic and is currently its chairperson. She works as an external teacher at two faculties of Charles University, coordinates mediation and multicultural education projects, authors articles, training materials and books on the subjects of minorities, mediation, and conflict resolution

### Summary of the conflict

The case of “Černý most School” deals with a conflict in one of the public schools started by a town hall. The school has a staff of 80 teachers and more than 400 pupils, some of which are with special needs (handicapped). The school is divided into sections – elementary school (pupils aged 6-11) and secondary school (the classes for pupils aged 12-15).

Mrs. Z., the deputy mayor responsible for education – could not solve the problems that started between the new school director Mrs. B. and the majority of the teachers. The new director (second one in school’s history) established a new system of work while the teachers felt they were not being given sufficient information. The system sought to modify a number of decisions accepted in the past by the majority of teachers, their first director, and their trade unions. The majority of the teachers wanted the new director to leave. Very soon, parents - especially those of the handicapped children - started to criticize the new director. It was because they were afraid their children would have to leave the school under the new system. If the children are to leave, the school would not get the financial support for its handicapped pupils which means less money for the entire school.

The service of our project was accepted by the town hall deputy mayor Mrs. Z. who has written about it in local town hall press. That meant the project was officially supported and built up quite a good image in the district. Many related activities were launched later including preparations and facilitated meetings in the school. Facilitation or mediation had never been used before and everybody was curious about the results. The conflict had existed since winter time and our mediators/facilitators were contacted in February and finished their activities in June.

### The conclusion

During preparation and facilitation of the meetings everybody involved in problem was able to think through the situation at school and look for more effective cooperation between the school director, the trade unions, the teachers, the par-

ents working in the school council, and the town hall deputy chairwoman. Everyone was free to express their wishes and to hear their colleagues' opinions. They started to achieve some understanding of some specific situations and everybody realized that they did not have enough information. They also had the feeling that nobody listened to them because they were never told about the planned activities. They started to define the new communication rules and realized that so-called previous "family relations" in leadership of the school (relatives employed in the positions of school director, trade unions, and the deputy director) were over and that the new management should be supported. Everybody at school should be informed of the events development and how all the tasks should be fulfilled. After the facilitated meetings, a number of topics were defined and everybody was surprised how this difficult situation was managed thanks to effective communication with the help of the facilitators.

## Description of the community and context of the conflict

The Association of Mediators in the Czech Republic (AMCR) has implemented the project **"Using mediation/facilitation as an instrument of social integration"** since April 2006. The project scheduled for completion in January 2008 is supported by European Social Funds and by the state budget of the Czech Republic. Its main goal is to inform about mediation/facilitation as an alternative technique of conflict resolution. The second goal is to offer these services free of charge to all residents of Prague who have been or are under the risk of being excluded from the job market.

Specifically, the group includes: young people up to 26 years of age who do not have any work experience; people over 45 years who could lose their jobs before their retirement; young mothers who finished their maternity leave; and socially or else handicapped people or those taking care of them.

In the first year, the project and the concepts of mediation and facilitation were presented on 250 occasions and managed to provide assistance in 146 cases.

The Prague district called "Černý Most" (Black Bridge) is a new part of the city. It was established in the late 1980s and has since grown into quite a distant suburb connected to the Prague center by underground and bus transport.

The town hall of Černý Most has authority over many issues in the region including education. As a result the town hall is obliged to address any problems emerging in schools. The deputy mayor requested assistance from our mediators/facilitators immediately after the project presentation. It was important to stabilize the situation and address the risk of parents taking their children out of the school and leaving the school with decreased financial support from the Ministry of Education. The problem gained its community dimension because any decision of parents to take their children out of school would lead to significant changes at the school.

The situation was rather new for the town hall which was given responsibility over schools in its district as late as 1990 with the new legislation on education. Town hall deputies adopted the same approach as in the past and had no wish to address the difficulties (by changing so-called "problematic person"- in this case the new director).

## Intervention

The first meeting with the town hall mayor deputy chairwoman in February resulted in an agreement on presentation of the project and publishing of an article about mediation activities in the local newspaper. A decision on co-operation was also achieved with the school director and mediators/facilitators.

The next month – in March – plans were developed for future activities in agreement with the school director. Questionnaires were prepared to send out to parents, teachers, and trade union members, asking for their opinions:

1. How should the situation be resolved?
2. What would help changing the school situation and make the school more effective?
3. What activities in your school are you satisfied with?
4. What does your school lack?
5. What positive changes have been done recently?
6. What might happen if the situation at your school does not change?
7. Is there anything else you would like to add?

photo: Zora Pauliniova



Responses to the questionnaires distributed in school were evaluated and interpreted in consultation with the school director. Agenda was drawn up for the facilitated meeting, an invitation for which was sent to all key persons.

In April, the first facilitated meeting was held with an attendance of 19 participants (director, deputy director, teachers from primary school, deputy headmaster from the secondary school, parents' council, trade unions, and town hall deputy mayor). The goal of the meeting was to find possibilities for more effective co-operation between all the parties.

The meeting went after the following agenda:

1. Introduction of participants, presentation of agenda, roles of facilitators, communication rules for the meeting,
2. Presentation of results collected through questionnaires,
3. Brainstorming for “ideal communication”,

4. Discussion on two important topics: (1) how to get information across, and (2) how to build better relationships on the basis of understanding, tolerance, respect, openness, and mutual trust.

The meeting demonstrated clearly the problem of poor communication. The group realised this and proposed some communication rules which were accepted by everyone from the primary school.

The school director decided to hold a very similar meeting at the secondary school. It was also communicated that after-school educators wished to hold meetings with the director and her deputy more frequently. Teachers were not disposed favorably to the new director because they disapproved of the change in the director’s position. As a result “management of the school” became another topic of discussion.

In May a meeting was held with the school director in order to discuss how the results of the facilitated meeting should be presented and passed on to everybody. An agenda and goals of the second facilitated meeting with stakeholders of the secondary school was developed and an invitation was sent to all key persons and to anyone showing interest in the meeting.

The second facilitated meeting took place in June with 20 participants (director, deputy director, teachers from the secondary school, representatives of parents, trade unions and the town hall). Its goal was to ensure better exchange of information between the director and the teachers.

The meeting agenda included: introductions, presentation, roles of facilitators, communication rules for the meeting; brainstorming on “effective communication”; “work plan”; “sharing information in the teachers’ staff room” and “personal contacts”.

Before the meeting’s conclusion, the group formed priorities for communication and paid particular attention to personal communication with the director and her deputy. The group also formed a “framework” for any discussion with the director defined by openness, fairness, specific information and instruction, timing, provision of information, and consequences. “Transparent management” also turned out as a topic of quite an importance. Teachers and parents wished to be informed about all plans and expressed interest to influence it. They defined “effective management” style of the school.

## Solutions and achievements

The solution to the specific situation was reached only after several meetings and two facilitated sessions. At those meetings all participants suggested basic rules for communication between the school director and her deputy, and the teachers, educators, and parents. It was also agreed that the director is obliged to inform everyone of her work and discuss the plan with all key persons (representatives of teachers from primary and secondary schools, trade unions, parents, and the town hall deputy mayor.) It was also stated that everyone deserved to be shown respect and that open discussion was needed.

**Both parties – leaders of the school and the teachers - agreed that their opinions deserve respect and they formulated communication rules (what would be communicated, by whom, to whom, when, why, and how).**

Leadership of the school was also a subject of discussion.

As the team of teachers always changes slightly in the beginning of the school year (usually in September), it was suggested to invite our mediators/facilitators after the summer holiday if necessary.

## Lessons learned by the community

All the parties to the conflict realized that thanks to facilitation the problems may be solved (with the help of an independent third party). As facilitators paid much attention to preparation, talked to many people before the facilitated meetings, and collected information through questionnaires, many topics could be discussed quickly and specific rules could be defined.

**No person lost his/her job, no children had to change school, and the town hall did not have to address the issue of financial support reductions from the Ministry of Education.**

The problem was solved over several months within a major group of participants. As one journalist wrote about this case in "Teachers' Newspaper", more people are now familiar with facilitation as a very positive tool in resolving and ending the conflicts in schools. Many schools are known as very conservative places, where teachers do not make use of modern interactive methods in teaching. The description of this case as an example of activity based on cooperation received some very good feedback. It is also important that those "angry" participants were able to listen to each other and to lead very effective mutual discussions thanks to independent facilitators. Their negative criticism was turned into a cooperative approach to problem solving.

## Lessons learned by the intervener

AMCR was established at the end of 2000. Thanks to its numerous projects and activities it is getting to be a well-known organization. Its activities – mediation and facilitation - help solving many problems through alternative conflict resolution. In the Czech Republic there is a legislation on mediation/probation in the context of social justice, but not in community or business. Thanks to all AMCR activities and "pressure" from the European Union, specific steps are taken within the Ministry of Justice to formulate this law as soon as possible. That means the ideas of our American colleagues-mediators and trainers who brought the technique to our country in early 1990s are coming to fruition. The legislation on mediation will formally be supported by the state as is the case in many neighboring countries.

What is noteworthy is the fact that AMCR facilitators are being invited to an ever increasing number of organizations - NGOs, labor institutions, consultancy agencies - with a request of assistance in finding more effective solutions to their many problems. Facilitators prepare all steps very carefully and consult in supervision with our mentors.

Presentations in the media and at workshops help raise awareness about mediation/facilitation as an alternative way to conflict resolution.

In conclusion, it should be said that the time for training of facilitators and for the facilitation is much longer than the activity itself.

## Thérapie Sociale

Kerstin Bunte and Shérif W. Korodowou

The article presents the concept of “Thérapie Sociale”. The first part provides its definition and its aims. It also explains the basic principles of this method and how to use it. The second part gives a descriptive outline of what happened within the first Thérapie Sociale project in Germersheim, Germany.

### **Kerstin Bunte Dipl. Pol.**

(graduated in Political Sciences) is the director of “impuls” – Institute for constructive conflict resolution. She is Thérapeute Sociale, mediator and a qualified trainer in Non Violent Communication. She has broad knowledge of different methods for conflict resolution. As a project leader implementing models of conflict resolution in districts, schools and intercultural contexts, she has years of experience. She is mainly involved in practical projects.  
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### **Shérif W. Korodowou Dipl. Pol.**

(graduated in Political Sciences), born in 1970. As a Thérapeute Social and counselor for integration affairs, Shérif W. Korodowou has years of experience within intercultural contexts and a well-founded knowledge of the topics dealing with racism, asylum, and integration. Shérif W. Korodowou was born in Togo and has been living in Germany since 1995. He speaks 7 languages and works on both national and international levels as a translator and interpreter.

## What is Thérapie Sociale?

### **Definition**

Thérapie Sociale is a method of conflict resolution developed in the French suburbs (“Banlieus”).

**The aim of Thérapie Sociale is to help people with different values, norms and cultural background to live or work together in a better way. Thérapie Sociale is based on a systemic approach. According to the method, everybody takes on a burden of responsibility for the functioning or non-functioning of a system as part of a greater system.**

The first Thérapie Sociale project in Germany took place in Germersheim and its outline follows below.

### **The aim of Thérapie Sociale:**

The aim of Thérapie Sociale is to create a **healthy working and living environment by overcoming prejudices and racism and supporting integration and democracy as well as establishing sounder structures for interaction.**

### **The principles of Thérapie Sociale**

Thérapie Sociale is based on the following principles:

- to create social ties: to facilitate mutual understanding between different groups ensuring that one group is adequately informed about the other;

- to transform violent energy found in conflict situations: conflicts are normal conversation. Under conditions of violence we can't work or live together, so we have to create spaces where about violence is possible and constructive. At this point in time we are in conflict and are able to exchange views and mind-sets in a democratic manner;
- coming out of black-and-white thinking: it is dangerous to think or believe that we are good and other people are bad. Everybody can be good and bad depending on the situation, historical background, or educational level... So it is important to talk to people whom we consider to be "bad";
- collective intelligence: it is not possible for any one person to know everything necessary. Every person in a system has a piece of information essential to the whole. Hence, all those pieces of information put together make up what is known as the "collective intelligence";
- liberation from states of powerlessness: everybody has the power to make or change things. We don't have equally shared power at our disposal, but where we have some basis of power we can use it productively and not always fall into the self-defeating pattern of thinking that everyone is able change things except for us;
- another type of relationship to authority: between a boss and his subordinate there can be a friendly and democratic relationship. Both can cooperate on a democratic, egalitarian basis without authoritarian elements and one-way command structures.

## **Embodiment and field of application of Thérapie Sociale**

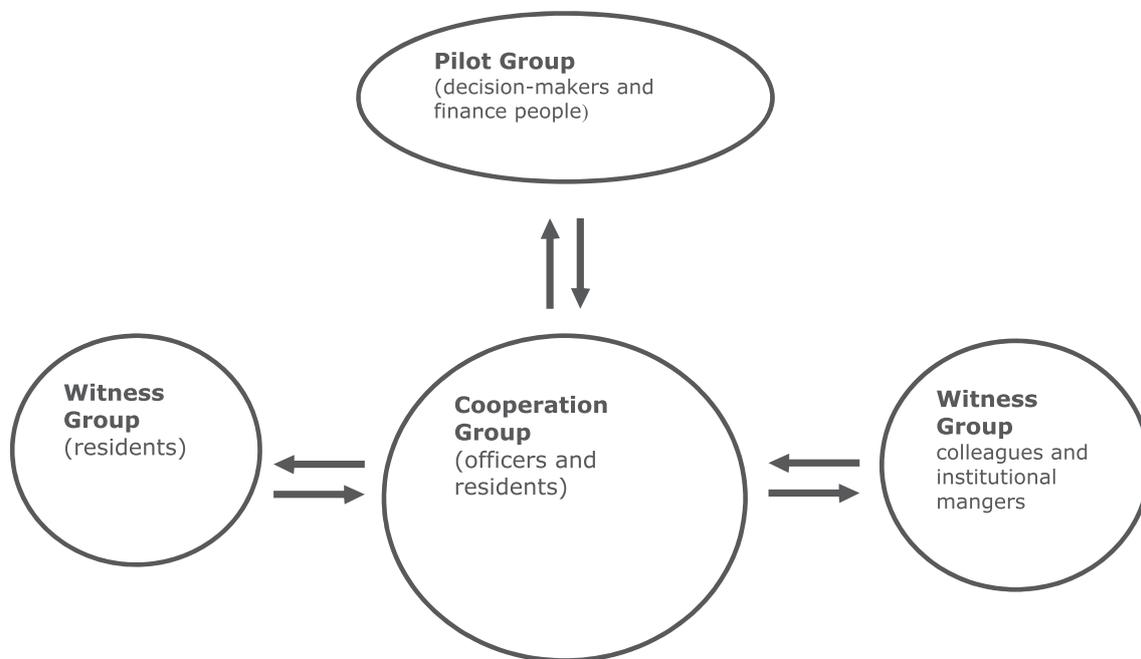
There are two different embodiment approaches in Thérapie Sociale

### **Advanced training**

The advanced training provides participants with the Thérapie Sociale tools to help them get through their everyday life better. Thérapie Sociale deals primarily with the issues of prejudice and racism.

### **Project groups in municipalities and institutions**

The concept of Thérapie Sociale dealing with project groups is fitting for cities and municipalities, where the way people live together predispose them to conflict situations and where violence between different groups and sub-groups of the population is an everyday source of difficulties. This working form of Thérapie Sociale includes all social groups and levels concerned with the issue: decision makers of the municipality, leaders of major organisations and finance groups (pilot group) as well as simple residents and employers (the cooperation and witness groups). The boss or leaders don't often know very much about what is happening at the bottom tiers of society. People at the lower levels often believe they are powerless and they fail to see their own real potential and the existing possibilities for achieving positive change.



**The pilot group** represents the upper echelons of the municipality, of the state and of those services involved in the activity. They choose, in cooperation with the trainer of Thérapie Sociale, the residents and institutions to participate in the cooperation group. Their number is between 2 and 6. The pilot group has an important role, since it is the only one that can guarantee the feasibility of the plans proposed.

**The cooperation group** includes residents who represent different social and ethnic groups and employees of institutions, which are directly involved in the activity (programme), such as social welfare offices, schools etc. There are 16 – 20 persons. The residents representing the different groups are paid for their work; the work with the Thérapie Sociale trainer involves 6 x 2 days in the course of a 6-month period. The employees who are representing their institutions get free time to devote to the Cooperation Group. Their job is to elaborate proposals on how the situation in the town can be ameliorated.

**Both witness groups** include both colleagues of the institutions and residents. They normally come for 2 or 3 hours into the Cooperation Group to contribute their special knowledge and know-how. They generally consist of 20 to 40 people per group.

The participants of the Cooperation Group form a micro-society within the town. The conflicts in the society will typically appear there. People who normally would not think of or would not want to work together will work together in the Cooperation Group.

Generally work doesn't begin in the cooperation group without the usual tensions and stress that participants typically experience in the beginning, due to feelings of fear and anger and prejudices. During this process the real problems come to the surface and the groups put forward propo-

sitions on how to ameliorate the current situation in the town.

The Witness Group receives questions about their assessment of the situation in the town and about the propositions of the Cooperation Group. They give their mind to it and / or make their own proposals or suggestions. The Cooperation Group discusses the response of the Witness Groups.

The Pilot Group is informed about the proposals of the Cooperation Group.

They voice their views and opinions and their respective position in respect to the topic at hand.

Towards the end of the process they discuss with the Cooperation Group ways to put the outcome of the interaction into action.

## Example of project groups in Germersheim

The first project of Thérapie Sociale (TS) in Germany took place in the municipality of Germersheim from March 2003 to November 2004.

Germersheim is a medium-size town. However, its population grew from 14.000 to 22.000 – or by 8000 residents – between 1990 and 2004.

Today there are 11% German Russians, 25 % foreigners (Turks are the biggest group of them) and 64% Germans living in Germersheim.

The distribution of the housing is not favourable to a healthy co-existence: Turks live predominantly in the center. Most of the German Russians live on the fringe area of Germersheim, most of them in apartment blocks. Germans are mainly to be found outside the center.

The city is troubled mostly by prejudices, fears and lack of contact between different nationalities. The rapid growth of the population brought fears and uncertainty and people have become more and more alienated from each other.

During one town-meeting in Germersheim in 2002 Charles Rojzman - the inventor of the Thérapie Sociale method - presented his concept to all members of the town community.

In 2003 the preconditions were right to launch the project in Germersheim. It was named the Rojzman Project. The official part of the project began in March 2004 with a meeting between the pilot group and the “Thérapeutes Sociaux”. The title of the project was „The Youth of Germersheim, Chances and Dangers“. The project was led by Stefan Maaß and Shérif W. Korodowou with the assistance by Kerstin Bunte. The three were trained in the concept of Thérapie Sociale by Charles Rojzman.

They arranged for the cooperation group to meet 5 x 2 days. In November 2004 there was a public meeting where the participants of the cooperation group presented the results of their work to about 300 co-inhabitants. Yet, present at the meeting were also all the members of the pilot group.

Here is the composition of the different project groups in Germersheim:

**The pilot group** included the vice-mayor (responsible for social affairs), the leader of IB (Internationaler Bund = International Federation), the leader of CJD (Christliches Jugenddorf = Christian Youth Village), the representative of the agenda group, the vice-chairman of the police station and the head of the District Youth Department.

The Thérapie Sociale trainer and the pilot group together have chosen members of the **cooperation group** according to criteria of nationality, age, sex, and institution and involved a policeman, a social worker of IB, a teacher of the vocational school (Berufsschule), a young Russian-Ger-

man father, a Russian-German unemployed mother, a religious Turkish housewife and mother, a single German mother from a formerly disadvantaged town district, a young Russian-German girl presently doing apprenticeship, a young Turkish boy attending the local elementary school, a young German girl attending the (9-year) local elementary school, and others.

Some examples of proposals from the cooperation group and results of the project are given below. The propositions are grouped around different themes.

One proposition is that the administrative body should be obliged to provide residents an explanation if their application has been rejected. This proposition is adopted from the theme “better transparency thanks to information”.

Another proposition is for people to show at least some interest in other people’s cultures. Everyone must approach people from other cultures. This proposal is part of the topic “overcoming prejudice between different ethnic groups”.

Another proposition stated that the municipality should present itself in different languages in order for people from different ethnic groups to feel welcomed. The sports event “Germersheim Olympic Games” was also proposed. Both proposals are based on the topic “contact between different groups”.

The suggestion to organise more festivals for young people was based on the theme “positive image for young people”.

Under the topic “integration of immigrants”, the suggestions were made to coordinate some offers and promote the slogan “learn the German language, so that you can understand the teacher of your children”.

After all the work was done the cooperation group and the pilot group organised a public meeting. People of different ethnic groups in Germersheim, the municipality and also people outside of Germersheim participated. The cooperation group presented the results of its work to over 100 participants of different nationalities.

Six months later, the Thérapie Sociale Trainers, met the cooperation group and the pilot group to find out about the new state of affairs in Germersheim. The participants praised the project. They reported an array of positive changes in both themselves and in the population at large. They and the pilot group applied the proposals they promised to put into practice.

Germersheim was the first Thérapie Sociale project in Germany but its results demonstrated that the Thérapie Sociale method may be applied successfully not only in Germany but also in other European cities.

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